

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3470 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

ASHOKBHAI RAMJIBHAI KHIMSURIA

Versus

STATE OF GUJARAT

Appearance:

MR BHARGAV N BHATT for Petitioner

PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 21/06/1999

ORAL JUDGEMENT

Heard Mr. Bhargav Bhatt for the petitioner.

Rule. Ld. A.P.P. Mr. K. T. Dave, waives
service of rule.

The petitioner has prayed for appropriate

modification in the terms and conditions imposed on the petitioner vide order dated 2-12-1998 passed by the learned Addl.Sessions Judge below Exh.1 in the proceedings of Sessions Case no.163/98 while granting bail to the petitioner.

It has been submitted at the Bar that as per condition no.(d) the petitioner is required to mark his presence before 'C' Division Police Station Bhavnagar between the specified time and as per condition no.(e), the petitioner is directed not to leave the local limits of District Bhavnagar without prior permission of the Sessions Judge at Bhavnagar. That subsequent to the passing of the said order, the family members of the petitioner have shifted their residence from Bhavnagar to Amreli District. On account of such contingency there would be hardship for the petitioner to comply with the said conditions and hence appropriate modification is prayed for.

Ld. A.P.P. has fairly stated at the Bar that necessary modification may be permitted.

As a result, conditions no. (d) in the above stated order stands modified to the effect that the petitioner shall get his presence marked on every Monday between 9.00 a.m. and 2.00 p.m. at Amreli Police Station. However, if the date of Sessions Case where the petitioner is accused is fixed on Monday he shall get his presence marked at Sessions Court instead of at the said Police Station. Condition no.(e) shall stand modified to the effect that the petitioner shall not leave the local limits of Districts Amreli and Bhavnagar without the prior permission of the Sessions Judge of the respective Courts.

Rule is made absolute accordingly. Direct service is permitted.

(A.K.Trivedi,J.)

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